

Applicant has complied with the suggestion, and includes herewith amended claims 22, 23, 42 and 43, set forth in proper reissue amendment form. Also submitted herewith is a Supplemental Reissue Declaration of Mr. Ghaly, the inventor. The Declaration recites 5 in detail the excesses and insufficiencies of claims 22, 23, 42 and 43, in their form presented herewith, the errors relied upon, how the errors arose, and how they are being addressed. Intermediate changes to these claims, which were offered in prior amendments but are no longer asserted, are not addressed. See Nupla Corp. v. IXL
10 Manufacturing Co., 42 USPQ2d 1711, 1715 fn 3 (Fed.Cir. 1997): "The regulations do not require an explanation of any "error" in a withdrawn reissue claim." Mr. Ghaly's Declaration addresses all differences in claims 22, 23, 42 and 43 as now offered from their original format.

15 The Examiner has further requested comment with respect to the issue of "claim recapture", see MPEP 1404.02. Reissue is not normally be granted to recapture claimed subject matter deliberately cancelled in an application to obtain a patent. Such recapture is not present here. The claims of the original patent,
20 while narrow in scope, were prepared by Applicant on a pro se basis and were narrow as filed. While Mr. Ghaly, in his Declaration of April 11, 1997 at paragraphs 8 and 9 referred to modifying his original claims to satisfy the Examiner's objections by deleting, amending and adding claims, it is to be pointed out that the
25 changes which were performed by Mr. Ghaly were to attend to formal

issues regarding the language employed by him. During prosecution of the original application, Applicant did not, and was not required, to narrow his claims to obtain the patent. Accordingly, Applicant is not attempting to recapture subject matter surrendered 5 during prosecution and is fully entitled to the broader scope of coverage requested herein.

Respectfully submitted,

SCHWEITZER CORNMAN GROSS & BONDELL LLP
10 Attorneys For Applicant
230 Park Avenue
New York, NY 10169
(212)986-3377

JAB/cw

BY


15 JAY A. BONDELL, ESQ.,
REG. #28,188

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is
being deposited with the U.S. Postal Service
as first class mail in an envelope addressed
20 to: Commissioner of Patents and Trademarks
Washington, D.C. 20231 on July 15, 1997.

Applicant's Attorney: 